

Permit No. NV0023329



## **National Pollutant Discharge Elimination System**

### **Permit for Discharges from Nevada Department of Transportation Municipal Separate Storm Sewer Systems**

Authorization to Discharge under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act (CWA), as amended, (33 U.S.C. 1251 et. seq.), except as provided in Part 1.3 of this permit, and Chapter 445A of the Nevada Revised Statutes, the Nevada Department of Transportation (Permittee) is authorized to discharge municipal stormwater runoff to waters of the United States in accordance with the conditions and requirements set forth herein:

Nevada Department of Transportation (NDOT)

1263 South Stewart Street

Carson City, NV 89712

This permit becomes effective on \_\_\_\_\_.

This permit and the authorization to discharge expire at midnight, \_\_\_\_\_.

Signed and issued this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_.

Clifford M. Lawson  
Staff II Associate Engineer  
Bureau of Water Pollution Control

## **1 Coverage under this Permit**

### **1.1 Permit Area**

**1.1.1** This permit covers discharges into receiving waters of the United States.

### **1.2 Coverage**

**1.2.1** This permit authorizes discharges of stormwater from NDOT's municipal separate storm sewer system (MS4) for all NDOT highways in Nevada (excluding Indian Lands), as defined in 40 Code of Federal Regulations (CFR) §122.26. NDOT is authorized to discharge in accordance with the terms and conditions of this permit.

**1.2.2** The following are types of authorized discharges:

**1.2.2.1** *Stormwater discharges.* This permit authorizes stormwater discharges to waters of the United States from NDOT's MS4 identified in Section 1.2.1, except as excluded in Section 1.3.

**1.2.2.2** *Non-stormwater discharges.* NDOT is authorized to discharge the following non-stormwater sources provided that the Nevada Division of Environmental Protection (NDEP) has not determined these sources to be substantial contributors of pollutants to NDOT's MS4:

- Water line flushing
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Discharges from potable water sources
- Foundation drains
- Footing drains
- Air conditioning condensate
- Irrigation water (to include lawn watering and landscape irrigation)
- Springs
- Water from crawl space pumps
- Flows from riparian habitats and wetlands
- Street wash water
- Discharges or flows from fire fighting activities

### **1.3 Limitations on Coverage**

- 1.3.1 This permit does not cover the following:
  - 1.3.1.1 Discharges of non-stormwater, whether or not mixed with stormwater, unless such non-stormwater discharges are:
    - 1.3.1.1.1 Currently covered under a separate National Pollutant Discharge Elimination System (NPDES) permit, or
    - 1.3.1.1.2 Included in 1.2.2.2, or
    - 1.3.1.1.3 Determined not to be a substantial contributor of pollutants to waters of the U.S. by NDEP.
  - 1.3.1.2 Stormwater discharges currently covered under another permit.
  - 1.3.1.3 Discharges that do not comply with the Nevada's anti-degradation policy for water quality standards.
- 1.3.2 Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi) are identified and permitted through a separate NPDES General Industrial Activity permit.
- 1.3.3 Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15) are identified and permitted through a separate NPDES General Construction Activity permit.
- 1.3.4 If it is determined that NDOT's discharges cause or contribute to instream exceedances of water quality standards, NDEP may require corrective action or an application for a separate individual permit or alternative.
- 1.3.5 NDOT shall comply with all applicable Federal, State, or local laws, regulations, or ordinances.

### **1.4 Annual Fee**

- 1.4.1 NDOT shall remit an annual review and services fee in accordance with Nevada Administrative Code 445A.232 starting July 1, 2004 and every year thereafter until the permit is terminated.

## **2 Reapplication Requirements**

### **2.1 Deadlines for Reapplication**

- 2.1.1 NDOT shall submit an application, or other form of written correspondence requesting permit coverage, not later than 180 days before this permit expires.
- 2.1.2 *Submitting a Late Application.* NDOT is not prohibited from submitting an application after the date provided in 2.1. NDEP reserves the right to take appropriate enforcement actions for any un-permitted discharges.

### **2.2 Contents of the Application**

- 2.2.1 The Application must be signed in accordance with Part 6.7 of this permit and must include the following information:
- 2.2.2 *PERMITTEE Information:*
  - 2.2.2.1 The name of the permittees municipal entity/state agency/federal agency, mailing address, and telephone number; and,
  - 2.2.2.2 The names and titles of the primary administrative and technical contacts for the municipal permittee(s).
- 2.2.3 *Information on the Municipal Separate Storm Sewer System:*
  - 2.2.3.1 The name of the receiving water(s) and a written statement of whether any of the receiving waters are on the latest CWA §303(d) list of impaired waters.
  - 2.2.3.2 Information on NDOT's chosen best management practices (BMPs) and measurable goals, NDOT's timeframe for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating NDOT's Stormwater Management Program (SWMP).
  - 2.2.3.3 NDOT may identify any proposed changes or improvements to the storm water management program and monitoring activities for the upcoming five year term of the permit, if those proposed changes have not already been submitted pursuant to 40 CFR 122.42(c). NDOT may make use of the fourth year annual report as the permit reapplication package. Changes to the storm water management program may be justified due to the availability of new information on the relative magnitude of a problem or new data on water quality impacts of the storm water discharges. MDOT may propose to de- emphasize some program components and strengthen others, based on the experience gained under the first permit.

## **2.3 Where to Submit**

- 2.3.1 NDOT is to submit the application, or other form of written correspondence requesting permit coverage, signed in accordance with the signatory requirements of Section 6.7 of this permit, to NDEP at the following address:

Stormwater Coordinator  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
333 West Nye Lane  
Carson City, NV 89706-0851

## **2.4 Permittees under a Single Permit**

- 2.4.1 NDOT may partner with other permitted MS4s to develop and implement NDOT's SWMP. The description of NDOT's SWMP must clearly describe which permittee is responsible for implementing each of the control measures.

## **3 Special Conditions**

### **3.1 Discharges to Water Quality Impaired Waters**

- 3.1.1 *Applicability:* Based upon Nevada's year 2002-303(d) list and subsequent updates, NDOT must evaluate whether stormwater discharge from any part of the MS4 significantly contributes directly or indirectly to the listing of a waterbody on the 303(d) list (i.e., impaired waterbody). If NDOT has a discharge meeting this criterion, NDOT must comply with the results of Part 3.1.2; if NDOT does not have discharges meeting this criterion, Part 3.1 does not apply.
- 3.1.2 If NDOT has "303(d)" discharges described above, NDOT must also determine whether a TMDL has been developed and approved by NDEP for the listed waterbody. If there is a TMDL, NDOT must comply with Part 3.1.3; if no TMDL has been approved, NDOT must comply with Part 3.1.4.
- 3.1.3 When a TMDL has been established as described in paragraph 3.1.2, NDOT must notify NDEP if the TMDL includes a wasteload allocation applicable to stormwater discharges covered by this permit.
- 3.1.3.1 *Consistency with Total Maximum Daily Load (TMDL) Allocations.* If a TMDL is approved for any waterbody into which NDOT discharges, NDOT must:
- 3.1.3.1.1 Determine and report whether the approved TMDL is for a pollutant likely to be found in stormwater discharges from NDOT's MS4;

- 3.1.3.1.2 Determine and report whether the TMDL includes a pollutant load allocation (LA) or other performance requirements specifically for stormwater discharge from NDOT's MS4;
- 3.1.3.1.3 Determine and report whether the TMDL addresses a flow regime likely to occur during periods of stormwater discharge;
- 3.1.3.1.4 After the determinations above have been made and if it is found that NDOT's MS4 must implement specific LA provisions under the TMDL, assess whether the LAs are being met through implementation of existing stormwater control measures or if additional control measures are necessary;
- 3.1.3.1.5 Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the LA will be met;
- 3.1.3.1.6 Describe a monitoring program to determine whether the stormwater controls are adequate to meet the LA; and,
- 3.1.3.1.7 If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions, and an analysis that demonstrates the overall effectiveness.
- 3.1.4 When a TMDL has not been established as described in paragraph 3.1.2, NDOT must include a section in the annual report describing the condition for which the water has been listed, evaluating possible BMPs that might practicably be implemented, examining whether these BMPs would have a substantial effect on achieving compliance, and identifying any BMPs that are selected for implementation.
- 3.1.5 The SWMP shall identify additional BMPs, if appropriate, to help achieve the TMDL for phosphorus or ammonia loadings into Lake Mead and shall be submitted in accordance with section 4.1.2.
- 3.1.6 A report of the findings in this section shall be included in the SWMP and shall be submitted to the Division for approval no later than one (1) year after the effective date of this permit.

## **3.2 Discharges to Clear Creek**

- 3.2.1 NDOT shall develop a separate Clear Creek Master Storm Water Management Program (CCSWMP). The CCSWMP must be developed, implemented, and enforced to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. At a

minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of a construction area, unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained, shall be provided. The CCSWMP shall include the following:

- 3.2.1.1 A detailed description of best management practices that will be implemented;
- 3.2.1.2 A detailed description of control techniques to ensure no discharge of pollutants into Clear Creek;
- 3.2.1.3 A detailed description of system design and engineering methods used to protect Clear Creek from the discharge of pollutants;
- 3.2.1.4 A schedule of implementation for all short term and long term activities describing program development, implementation and maintenance;
- 3.2.1.5 A monitoring program to ensure the overall quality and health of Clear Creek;
- 3.2.1.6 A listing and tracking program for all industrial facilities that have the potential to discharge a pollutant into Clear Creek;
- 3.2.1.7 An inspection program that ensures no discharges of pollutants into Clear Creek;
- 3.2.1.8 And such other provisions as the permitting authority determines appropriate for the control of such pollutants.
- 3.2.2 The CCSWMP shall be submitted to the Division for approval no later than one (1) year after the effective date of this permit.
- 3.2.3 NDOT may partner with other MS4s to develop and implement the CCSWMP.

### **3.3 Discharges into Sanitary Sewer Systems**

- 3.3.1 For discharges into facilities treating domestic sewage, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, that are not owned or operated by NDOT, the following shall be provided:
  - 3.3.1.1 Written and signed confirmation from each facility authorizing the discharge of pollutants into the facility system; and,
  - 3.3.1.2 A report of all authorizations is submitted to NDEP, no later than one (1) year after the effective date of this permit.

**4 Stormwater Management Program.** NDOT must comply with the following:

- 4.1 General Requirements: Develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from NDOT's MS4 to the maximum extent practicable (MEP) to protect water quality, and to satisfy the appropriate water quality requirements of the CWA; and,
  - 4.1.1 Submit the SWMP to NDEP no later than one (1) year after the effective date of this permit; and,
  - 4.1.2 Fully implement the SWMP within three (3) years of the authorization date of this permit; and,
  - 4.1.3 Identify the best management practices (BMPs) that NDOT or another entity will implement; and,
  - 4.1.4 Identify the measurable goals for BMPs, as appropriate, including the months and years in which NDOT will undertake required actions; and,
  - 4.1.5 Provide a rationale for how and why NDOT selected each of the BMPs and measurable goals for the SWMP; and,
  - 4.1.6 Implementation of best management practices consistent with the provisions of the stormwater management program as required by this permit constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable"; and,
  - 4.1.7 The management program shall include a description of staff and resources available to implement the program elements; and,
  - 4.1.8 Separate proposed programs, or one or more joint programs, may be submitted by NDOT; and,
  - 4.1.9 Proposed programs may impose controls on a system wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls; and,
  - 4.1.10 Proposed management programs shall describe priorities for implementing controls and shall be based on Public Outreach and Education; Illicit Discharge and Detection; Industrial Facility Monitoring and Control; and a Construction Site BMP Program; and,
  - 4.1.11 Implement other BMPs identified in this permit; and,
  - 4.1.12 Pending submittal of the SWMP, continue to implement and maintain current BMPs.



#### **4.2    *Adequate legal authority:***

- 4.2.1       The SWMP shall provide a description of NDOT's' legal authority, established by statute, regulation, ordinance or series of contracts which authorizes or enables the applicant to:
  - 4.2.1.1       Prohibit through regulation, ordinance, order, or similar means, illicit discharges to the municipal separate storm sewer;
  - 4.2.1.2       Control through regulation, ordinance, order, or similar means the discharge to a municipal separate storm sewer from spills, dumping or disposal of materials other than stormwater;
  - 4.2.1.3       Require compliance with conditions in regulation, ordinances, permits, contracts or orders; and
  - 4.2.1.4       Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the prohibition of illicit discharges to the MS4s.
- 4.2.2       NDOT shall provide written notice to NDEP of any formal proposal to modify the regulation or ordinances regulating stormwater discharges into the municipal storm sewers. Before any regulation or ordinance is modified, NDEP shall have an opportunity to comment on the proposed modification.

#### **4.3    *Source Identification:***

- 4.3.1       The SWMP shall provide, at a minimum: maps of NDOT's MS4, including the location of any major outfall that discharges to waters of the United States.
- 4.3.2       NDOT shall develop a list of industrial facilities subject to stormwater permitting requirements within their control.

#### **4.4    *Characterization data:***

- 4.4.1       The SWMP shall evaluate whether existing data collection programs should be modified to improve characterization of stormwater discharges, effects of BMPs, or ambient water quality. This information shall be submitted for approval as part of the annual monitoring plan required in section 5.1.1.

#### **4.5    *Public Outreach and Education, and Intergovernmental Coordination:***

- 4.5.1       The management program covering the duration of the permit shall include a section which involves public outreach and education, and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques

and system, design and engineering methods, and such other provisions which are appropriate.

- 4.5.2 In areas where NDOT is participating in an area wide Public Education Program, NDOT shall continue participation. The Public Education Program shall address the three main audiences that impact NDOT storm water discharges. The three audiences are NDOT's employees, construction contractors, and the general public. The program shall contain the following elements for each of these groups:
  - 4.5.2.1 NDOT's employees
    - 4.5.2.1.1 NDOT shall implement the program specified in the SWMP.
    - 4.5.2.1.2 NDOT shall provide frequent educational reminders to employees to reinforce the training.
  - 4.5.2.2 NDOT Construction Contractors
    - 4.5.2.2.1 NDOT shall implement the program specified in the SWMP.
    - 4.5.2.2.2 NDOT shall provide outreach to contractors to raise their awareness of the problems and causes of storm water pollution and to reinforce their training.
  - 4.5.2.3 General Public
    - 4.5.2.3.1 Plan for development and implementation of a public education program: NDOT shall submit a plan for approval by NDEP within 180 days of adoption of this NPDES permit for development and implementation of a Public Education Program that includes education of the general public and commercial and industrial entities whose actions may impair storm water quality discharged from NDOT's properties, facilities and activities. In areas where a NDOT is already part of a Public Education Program with other regulated MS4s, NDOT must continue with their participation in the program.
    - 4.5.2.3.2 The plan shall include the following elements:
      - 4.5.2.3.2.1 Research--A plan for conducting research on public behavior that affects the quality of NDOT's runoff. The information gathered will form the foundation for all the public education conducted.
      - 4.5.2.3.2.2 Public Education Strategy--Develop a three-year public education strategy. The strategy should be based on the research conducted and must include goals and objectives to be achieved regarding changing behaviors.

- 4.5.2.3.2.3 Mass Media Advertising--Develop and conduct an advertising campaign as a focal point of the public education strategy. The campaign should focus on the behaviors of concern and should be designed to motivate the public to change those behaviors. The public education campaigns may be done as a cooperative effort with other MS4s or NDEP.
- 4.5.2.3.3 Upon approval of the submitted plan, NDOT shall implement the plan to develop a Public Education Program. The Public Education Program Progress Report on the progress made on the public education program development will be made as part of the Annual Report each year. A proposed public education program will be submitted with the Annual Report. The Public Education Program shall be submitted with the Annual Report.

4.6 ***Best Management Practices:***

- 4.6.1 A description of structural and source control measures expected to reduce pollutants from runoff that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with a discussion of the basis for the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:
- 4.6.1.1 A description of maintenance activities and a maintenance schedule to reduce pollutants in discharges from MS4s;
- 4.6.1.2 A description of planning procedures including a plan to reduce the discharge of pollutants from MS4s which receive discharges from areas of new development and significant redevelopment;
- 4.6.1.3 A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems;
- 4.6.1.4 A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from stormwater is feasible;
- 4.6.1.5 A description of a program to evaluate and as necessary monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste; and
- 4.6.1.6 A description of a program to evaluate and as necessary reduce pollutants in discharges from MS4s associated with the application of pesticides, herbicides, and fertilizer.

#### **4.7 Illicit Discharge and Detection:**

- 4.7.1 A description of a Illicit Discharge and Detection Program (IDDP), including a schedule, to detect and remove illicit discharges and improper disposal into the MS4. The proposed program shall include:
  - 4.7.1.1 A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the MS4. This program description shall address all types of illicit discharges, however the following category of non-stormwater discharges or flows shall only be addressed where such discharges are identified by NDOT as sources of pollutants to waters of the United States: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to waters of the United States);
  - 4.7.1.2 A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens;
  - 4.7.1.3 A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater;
  - 4.7.1.4 A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer;
  - 4.7.1.5 A description of a program to facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from MS4s;
  - 4.7.1.6 A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

- 4.7.1.7 An assessment of whether the procedures otherwise implemented in response to this paragraph are sufficient to identify instances of exfiltration from the sanitary sewer to the storm sewers, and if not a description of additional activities to be undertaken to control exfiltration.

#### **4.8 Industrial Facility Monitoring and Control:**

- 4.8.1 A description of a program to monitor and control pollutants in stormwater discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:
  - 4.8.1.1 Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges; and,
  - 4.8.1.2 Describe a monitoring program for stormwater discharges associated with the industrial facilities identified in this section, to be implemented during the term of the permit in accordance with the monitoring programs defined in section 5.1.1.

#### **4.9 Construction Site BMP Program:**

- 4.9.1 A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in stormwater runoff from construction sites to the municipal storm sewer system, which shall include:
  - 4.9.1.1 A program to control all construction in the rights-of-way. This includes both construction by NDOT, construction done under contract for NDOT, and construction done by local government agencies or other third parties on NDOT or non-NDOT projects. The program must include:
    - 4.9.1.1.1 Review of construction site plans;
    - 4.9.1.1.2 Implementation and Maintenance of structural and nonstructural BMPs;
    - 4.9.1.1.3 Site inspections and enforcement; and
    - 4.9.1.1.4 Education of construction site operators.
  - 4.9.1.2 The program must be implemented year round on all construction projects in all parts of the State. The SWMP must be revised to address these requirements and have a program and a schedule for inspections.

- 4.9.1.3 The Construction Management Program shall be in compliance with requirements of the NPDES General Permit for Construction Activities (Stormwater General Permit for Construction Activities).
- 4.9.1.4 A description of nonstructural and structural best management practices for construction sites; and
- 4.9.1.5 A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and,
- 4.9.1.6 A description of appropriate educational and training measures for construction site operators.

#### **4.10 Sharing Responsibility:**

- 4.10.1 NDOT may either share responsibility or assign responsibility with one or more regulated MS4s, and may implement BMPs individually, as a group, or through consultants. The SWMP shall include a description of how responsibility is being shared or assigned.

#### **4.11 Reviewing and Updating Stormwater Management Programs**

- 4.11.1 NDOT must complete an annual review of the SWMP in conjunction with preparation of the annual report required under Part 5.3
- 4.11.2 NDOT may change the SWMP during the life of the permit in accordance with the following procedures:
  - 4.11.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to NDEP.
  - 4.11.2.2 Requests for changes replacing an ineffective, unfeasible, or inappropriate BMP specifically identified in the SWMP with an alternate BMP may be submitted to NDEP for approval at any time. If request is denied, NDEP will send NDOT a written response giving a reason for the decision. NDOT's modification requests must include the following:
    - 4.11.2.2.1 An analysis of why the BMP is ineffective, infeasible (including cost prohibitive), or otherwise should be revised or replaced, and
    - 4.11.2.2.2 An analysis of why the replacement BMP is expected to be more effective, feasible, or appropriate than the BMP to be replaced.

#### **4.12 Changes by NDEP:**

- 4.12.1 Formal changes requested by NDEP must be made in writing, set forth the time schedule for NDOT to develop the changes, and offer NDOT the opportunity to propose alternative program changes to meet the objective of the requested modification. If NDOT does not agree to the requested changes, changes required by NDEP will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.
- 4.12.2 NDEP may request formal changes to the SWMP as needed to:
  - 4.12.2.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
  - 4.12.2.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; and,
  - 4.12.2.3 Include such other conditions deemed necessary by NDEP to comply with the requirements of the Clean Water Act.
- 4.13 **Responsibility for Stormwater Management Program Implementation:**
  - 4.13.1 NDOT must implement the SWMP on all new areas added to NDOT's portion of the MS4 (or for which NDOT become responsible for implementation of stormwater quality controls) not later than one year from addition of the new areas.
  - 4.13.2 Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
- 4.14 **Maintenance Program Management:**
  - 4.14.1 NDOT shall implement the following requirements:
    - 4.14.1.1 Highway Maintenance Activities
      - 4.14.1.1.1 Develop and implement runoff management programs and systems for existing roads, highways, and bridges to reduce runoff pollutant concentrations and volumes entering surface waters.
        - 4.14.1.1.1.1 Identify priority and watershed pollutant reduction opportunities (e.g., improvements to existing urban runoff control structures).
        - 4.14.1.1.1.2 Establish schedules for implementing appropriate controls.
        - 4.14.1.1.1.3 Identify road segments with slopes that are prone to erosion and discharge of sediment and stabilize these slopes to the extent possible.



- 4.14.1.2      Snow and Ice Control: Where abrasives and/or de-icing agents are used on highways, the following shall be recorded:
  - 4.14.1.2.1      Location of the source of abrasives materials.
  - 4.14.1.2.2      Types and chemistry of de-icing agents.
    - 4.14.1.2.2.1      Deicing salt shall be analyzed for: total phosphorus, total nitrogen, iron, and percent NaCl; and,
    - 4.14.1.2.2.2      Alternative deicers shall be analyzed for: total nitrogen, and total phosphorus.
  - 4.14.1.2.3      Type and chemistry of abrasives with the gradation and percent organic matter. Gradation and percent organic matter shall be determined from composite samples. The composite samples shall be taken from one stockpile that represents all deliveries from the originating source. Composite samples shall be taken from every new delivery from a new originating source.
  - 4.14.1.2.4      Abrasives shall be analyzed for: volatile solids, iron, total nitrogen, total phosphorus, and total reactive phosphorus.
- 4.14.1.3      Volume of abrasives and deicing agents used on individual highway's segments.
- 4.14.1.4      Vegetation Control: NDOT shall create a Vegetative Control Program to reflect the following elements:
  - 4.14.1.4.1      Enhancement of the use of appropriate native and adapted vegetation throughout all NDOT's rights-of way for the purpose of preventing erosion and removing pollutants in storm water and nonstorm water runoff.
  - 4.14.1.4.2      Application of herbicides in a manner that minimizes or eliminates the discharge of herbicides to receiving waters. Factors to be considered include timing in relation to expected precipitation events, proximity to water bodies, and the effects of using combinations of chemicals.
  - 4.14.1.4.3      If application of nutrients is required, the application shall be at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface water.
  - 4.14.1.4.4      In places where NDOT has already developed vegetation control management plans, NDOT shall continue to implement these plans and integrate them into their overall statewide plan. In instances where elements of these plans are to be changed or dropped, NDOT shall discuss the changes in the Annual Report.

#### 4.14.1.5 Storm Water Drainage System Facilities Maintenance

4.14.1.5.1 NDOT shall remove all waste from those inlets that pose a significant threat to water quality on an annual basis prior to the winter season each year. All waste removed from drain inlets shall be managed in accordance with all applicable laws and regulations.

4.14.1.5.2 Drain inlets which contain significant materials must be considered for an Illicit Discharge and Detection Program (IDDP) investigation and considered for an enhanced BMP program focused on reducing the sources of the material found in the inlet.

#### 4.14.1.6 Program for Highway Maintenance Facilities

4.14.1.6.1 NDOT shall prepare a Maintenance Facility Pollution Prevention Program Plans (FPPP)s for all maintenance facilities. Because these facilities are considered municipal activities rather than industrial activities, these FPPPs must have BMP programs that reduce pollutants to MEP.

4.14.1.6.2 Generic FPPP elements can be used for activities that are performed at more than one maintenance facility; however, each site must be evaluated separately and provided with appropriate site specific BMPs.

4.14.1.6.3 NDEP staff has the authority to require the submittal of a FPPP at any time, to require changes to a FPPP, and to require the implementation of the Provisions of a FPPP.

### 5 Monitoring, Recordkeeping, and Reporting

#### 5.1 Monitoring

5.1.1 NDOT shall submit to NDEP a stormwater monitoring plan for the following year on or before October 1 each year. In developing the plan, NDOT must evaluate and update as necessary how monitoring may assist in making decisions about program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. Pending submittal of the annual monitoring plan, NDOT shall continue to implement the existing monitoring plan.

5.1.2 When NDOT conducts monitoring at NDOT's permitted MS4, NDOT is required to comply with the following:

- 5.1.2.1 Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. This requirement does not prevent NDOT from analyzing or reporting samples that are representative of a limited situation (e.g. concentration at peak flow).
- 5.1.2.2 Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, unless other procedures are approved by NDEP.
- 5.1.3 Records of monitoring information shall include:
  - 5.1.3.1 the date, exact place, and time of sampling or measurements; and,
  - 5.1.3.2 the names(s) of the individual(s) who performed the sampling or measurements; and,
  - 5.1.3.3 the date(s) analyses were performed; and,
  - 5.1.3.4 the names of the individuals who performed the analyses; and,
  - 5.1.3.5 the analytical techniques or methods used; and,
  - 5.1.3.6 the results of such analyses.
- 5.1.4 Analyses shall be performed by a State of Nevada certified laboratory. Laboratory reports shall be provided if requested by NDEP.
- 5.1.5 If NDOT performs stormwater monitoring more frequently than required by the stormwater monitoring plan the results of such monitoring shall be reported.

## **5.2 Record keeping**

- 5.2.1 NDOT must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the termination date of this permit. This period may be extended at the direction of NDEP at any time.

5.2.2 NDOT must submit the records to NDEP upon request. NDOT must retain a copy of the SWMP required by this permit (including a copy of the permit language) at a location accessible to NDEP. NDOT must make the records, including a copy of the SWMP, available to the public if requested to do so in writing.

5.2.3 For public requests of records, NDOT may impose a reasonable fee for personnel time and copying expenses.

### **5.3 Reporting**

5.3.1 Beginning one year after the submission of the SWMP, NDOT must submit annual reports to NDEP by October 1 of each year of the permit term. Each annual report shall cover the period beginning July of the previous year through June of the current year.

5.3.2 Each year, NDOT shall review the program defined under section 4 of this permit, and report to NDEP on the status of the program, whether NDOT has identified any modifications, and the plans for implementing those modifications.

5.3.3 At a minimum the Annual Report shall include:

5.3.3.1 Status of NDOT's compliance with permit conditions;

5.3.3.2 An assessment of the appropriateness of the identified BMPs, and revisions to previous assessments, if appropriate;

5.3.3.3 Progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP;

5.3.3.4 Status of the achievement of measurable goals;

5.3.3.5 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP, a description of any identified improvements to or degradation in water quality attributable to the program, and a description of any identified effects on attainment of water quality standards attributable to the program;

5.3.3.6 A summary of the stormwater activities NDOT plans to undertake during the next reporting cycle (including an implementation schedule and a fiscal analysis);

5.3.3.7 Changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

- 5.3.3.8 Notice that NDOT is relying on another government entity to satisfy some of the permit obligations, as applicable; and
- 5.3.3.9 Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal stormwater quality management program. The assessment shall also identify known impacts of stormwater controls on ground water.
- 5.3.4 A summary of inspections performed and enforcement activity taken during the report cycle.
- 5.3.5 A summary of public education and outreach activity performed during the report cycle.
- 5.3.6 Annual expenditures for the reporting period, with a breakdown for the major elements of the Stormwater Management Program, and the budget for the year following each annual report.
- 5.3.7 An original signed copy of all reports and plans required herein shall be submitted to the NDEP at the following address:  
  
Stormwater Coordinator  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
333 West Nye Lane  
Carson City, NV 89706-0851

## **6 Standard Permit Conditions**

### **6.1 Duty to Comply**

- 6.1.1 NDOT must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; permit termination; revocation and re-issuance; modification; or for denial of a permit renewal application.

### **6.2 Continuation of the Expired Permit**

- 6.2.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. NDOT will automatically remain covered by the continued permit until the earlier of:
  - 6.2.1.1 Re-issuance or replacement of this permit; or
  - 6.2.1.2 Issuance of another individual permit for NDOT discharges.

### **6.3 Need to Halt or Reduce Activity Not a Defense**

- 6.3.1** It shall not be a defense for NDOT in an enforcement action that it would have been necessary to halt or reduce the permitted activity under NDOT's control in order to maintain compliance with the conditions of this permit.

### **6.4 Duty to Mitigate**

- 6.4.1** NDOT must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **6.5 Duty to Provide Information**

- 6.5.1** NDOT must furnish to NDEP any information that is requested by NDEP and needed to determine compliance with this permit or other information.

### **6.6 Other Information**

- 6.6.1** If NDOT becomes aware that NDOT has failed to submit any relevant facts in its application or submitted incorrect information in the application or in any other report to NDEP, NDOT must promptly submit such facts or information.

### **6.7 Signatory Requirements**

- 6.7.1** All applications, reports, certifications, or information submitted to NDEP, or that this permit requires be maintained by NDOT shall be signed and certified as follows:

- 6.7.1.1** *Applications.* All applications shall be signed by either a principal executive officer, ranking elected official, or by a duly authorized representative of NDOT.

- 6.7.1.2** *Reports and other information.* All reports required by the permit and other information requested by NDEP or authorized representative of NDEP shall be signed by a person described above from NDOT or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 6.7.1.2.1** *Signed authorization.* A person described above and submitted to NDEP makes the authorization in writing.

- 6.7.1.2.2** *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.

- 6.7.2**     *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of (6.7.1.2.2) above must be submitted to NDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

## **6.8     Property Rights**

- 6.8.1**     The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

## **6.9     Proper Operation and Maintenance**

- 6.9.1**     NDOT must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by NDOT to achieve compliance with the conditions of this permit.

## **6.10    Inspection and Entry**

- 6.10.1**     NDOT shall allow NDEP or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:
- 6.10.1.1**     Enter NDOT's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
  - 6.10.1.2**     Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
  - 6.10.1.3**     Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
  - 6.10.1.4**     Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

## **6.11    Permit Actions**

- 6.11.1**     This permit may be modified, revoked and reissued, or terminated for cause. NDOT's filing of a request for a permit modification, revocation and re-

issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## **6.12 Permit Transfers**

- 6.12.1** This permit is not transferable to any person. NDEP may require modification or revocation and re-issuance of the permit to incorporate such other requirements as may be necessary under the CWA.

## **6.13 Anticipated Noncompliance**

- 6.13.1** NDOT must give advance notice to NDEP of any planned changes in the permitted MS4 or activity which may result in noncompliance with this permit.

## **6.14 State Environmental Laws**

- 6.14.1** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve NDOT from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the CWA.
- 6.14.2** No condition of this permit releases NDOT from any responsibility or requirements under other environmental statutes or regulations.

## **6.15 Severability**

- 6.15.1** The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

## **6.16 Procedures for Modification or Revocation**

- 6.16.1** Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

## **6.17 Requiring a Separate Individual Permit or an Alternative General Permit**

- 6.17.1** *Request by NDEP.* NDEP may require any person authorized by this permit to apply for and/or obtain either a separate individual NPDES permit or an alternative NPDES general permit. Any interested person may petition NDEP to take action under this paragraph. Where NDEP requires NDOT to apply for an individual NPDES permit or an alternative NPDES general permit, NDEP will notify NDOT in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for NDOT to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to



NDOT. Applications must be submitted to NDEP. NDEP may grant additional time to submit the application upon request of the applicant. If NDOT fails to submit in a timely manner a permit application as required by NDEP under this paragraph, then the applicability of this permit to NDOT is automatically terminated at the end of the day specified by NDEP for application submittal.

**6.17.2** *Request by NDOT.* NDOT may request to be excluded from the coverage of this permit by applying for a separate individual permit. In such cases, NDOT must submit an individual application, with reasons supporting the request, to NDEP at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by NDOT are adequate to support the request.

**6.17.3** *Permit termination.* When NDOT is authorized to discharge under an alternative NPDES permit, the applicability of this permit to NDOT is automatically terminated on the effective date of the separate individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to NDOT or NDOT is denied for coverage under an alternative NPDES general permit, the applicability of this permit is automatically terminated on the date of such denial, unless otherwise specified by NDEP.

## **6.18 Availability of Reports**

**6.18.1** Except for data determined to be confidential under NRS 445A.665, all reports and plans submitted in accordance with the terms of this permit shall be available for public inspection at the office of NDEP. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

## **6.19 Furnishing False Information and Tampering with Monitoring Devices**

**6.19.1** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document submitted or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, pursuant to NRS 445A.300 to 445A.730, inclusive.

## **6.20 Penalty for Violation of Permit Conditions**

- 6.20.1** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.710.

## **6.21 Permit Modification, Suspension or Revocation**

- 6.21.1** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- 6.21.1.1** Violation of any terms or conditions of this permit;
- 6.21.1.2** Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- 6.21.1.3** A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- 6.21.1.4** To impose specific requirements for BMPs or annual reporting requirements in accordance with 40 CFR § 122.62 or §122.63.

- 6.21.2** NDOT may request that NDEP reopen and modify this permit.

## **7 Definitions**

- 7.1** All definition contained in Section 502 of the CWA and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the even of a conflict, the definition found in the Statute or Regulation takes precedence.
- 7.2** *Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.3** *Control Measure* as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
- 7.4** *CWA or The Act* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

- 7.5 *Discharge*, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR 122.2.
- 7.6 *Illicit Connection* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.7 *Illicit Discharge* is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
- 7.8 *Indian Country*, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.
- 7.9 *MEP* is an acronym for “Maximum Extent Practicable,” the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in stormwater discharges that was established by CWA §402(p).
- 7.10 *MS4* is an acronym for “Municipal Separate Storm Sewer System” and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. “the Clark County MS4”). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Clark County MS4 includes MS4s operated by the City of Las Vegas, the City of North Las Vegas, the City of Henderson, the Clark County Regional Flood Control District, and Clark County).
- 7.11 *Municipal Separate Storm Sewer* is defined at 40 CFR 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

- 7.12 *Permitting Authority* means the Nevada Division of Environmental Protection.
- 7.13 *Small Municipal Separate Storm Sewer System* is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as “large” or “medium” MS4. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
- 7.14 *Stormwater* is defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- 7.15 *Stormwater Management Program (SWMP)* refers to a comprehensive program to manage the quality of stormwater discharged from the MS4.

#### ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NAC	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
NPDES	National Pollutant Discharge Elimination System
NRS	Nevada Revised Statute
SARA	Superfund Amendments and Reauthorization Act
SWMP	Stormwater Management Program
TMDL	Total Maximum Daily Load
USC	United States Code
NDOT	Nevada Department of Transportation
LA	Wasteload Allocation
Permittee	Nevada Department of Transportation